

NEBRASKA STATE BOARD OF HEALTH MEETING

MINUTES – September 17, 2012

ATTENDANCE NOTIFICATION. A regular meeting of the State Board of Health was called to order by the Chair, Gary Westerman, DDS, at 1:00 p.m. on September 17, 2012 in the Community Room of Phelps Memorial Health Center in Holdrege. Copies of the agenda were mailed to board members, news media, and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present: Janet Coleman; Ted Evans, DVM; Russell Hopp, DO; Diane Jackson, APRN; Ken Kester, Pharm D, JD; Dale Michels, MD; Roger Reamer, MBA; Rich Robinson, PE; Luisa Rounds, RN; Paul Salansky, OD; John Tennity, DPM; Jeromy Warner, PsyD, LP; Gary Westerman, DDS; and Daryl Wills, DC.

Members not in attendance: Edward Discoe, MD; Debra Parsow; Wayne Stuberg, PhD, PT.
Staff attending: Monica Gissler, David Montgomery

APPROVAL OF AGENDA. Dr. Westerman asked if there were any changes to the agenda for the meeting today. There being no objections, the agenda was approved by consent calendar.

APPROVAL OF MINUTES. Dr. Westerman asked if there were any changes to the minutes from the June 18, 2012 meeting. There being no objections, the minutes were approved by consent calendar.

CHIEF MEDICAL OFFICER'S REPORT. Dr. Acierno and Dr. Schaefer were unable to attend today, but Dr. Acierno did submit a written CMO Report.

CHAIRPERSON'S REPORT. Dr. Westerman reported on the following:

1. Has anyone attended any professional board meetings that they would like to report on?

- Dr. Salansky attended the Board of Athletic Trainers meeting on July 9th.

There is a current 2012 Professional Board Meeting Schedule on the handout table. It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. If the meeting includes a working lunch, a lunch will not be ordered for you, unless specific arrangements are made.

2. Dr. Discoe is not here today because he is serving on a Medical Missions Foundation trip to Gulu, Uganda. <http://mmfworld.org/> Medical Missions Foundation (MMF) sends teams of volunteer doctors, nurses and support staff to developing countries across the world. Since 1996, MMF has completed 63 missions in 12 countries, directly impacting more than 42,500 children and their families through surgeries and clinics. They are based in Overland, KS.

3. Thank you to CEO Mark Harrel and his staff for welcoming us to Phelps Memorial Health

Center. We enjoyed the facility tour and your hospitality in hosting us today. Special thanks to Lacie Westcott for coordinating with us and to Amanda for helping us out today. Thank you to Diane Jackson for making the initial contact for this meeting.

4. At our November meeting we will hold election of officers. Please email Monica Gissler if you would like your name on ballot, and specify which office – or offices – you are seeking. We will also distribute committee preference sheets for 2013 at that time.

5. Committee Chairs – in November your annual committee report will be due. Staff will assist with the preparation.

6. We welcome a new member today. Jeromy Warner was appointed by Governor Heinemann to represent the mental health community. Please tell us about yourself.

7. Anne Owens retired on September 7th. She will be missed.

Dr. Kester made a motion to receive the Deputy Chief Medical Officer's report and the Chair's report, seconded by Dr. Michels; and all in favor by voice vote.

PRESENTATION FROM TWO RIVERS DEPARTMENT OF HEALTH AND

WELLNESS. Terry Krohn, RDH, BS, Med is the Director. She presented to the Board of Health when they met in Kearney a few years back. They are based in Holdrege and their area of service includes Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney and Phelps Counties. It is the 4th largest health department in the state of Nebraska, serving a population of approximately 94,000 people.

The Mission of Two Rivers Public Health Department is to assess and monitor the health status of the district and facilitate the linking of resources to assure health promotion and prevention services are meeting the needs of the public in Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney, and Phelps Counties.

Ms. Krohn reviewed the public health departments in Nebraska which receive LB 692 tobacco settlement funding through the Health Care Cash Fund. Only 5.7% of the \$50m annually goes to public health departments, which comes to \$3.14 per person across the state for public health. She reviewed some of their recent assessment and disease surveillance, and other activities including obesity, school illnesses, kids fitness, lifestyle and access to care. For more information, please visit www.tworiverspublichealth.com.

COMMITTEE REPORTS.

Rules and Regulations Committee – Dr. Kester, Committee Chair, reported. Kay Pinkley and other DHHS staff participated at the morning committee meeting via teleconference, and again during the open public afternoon meeting. It was a brief meeting, and the priority was reviewing

the status of the regulations being updated due to the Uniform Credentialing Act (UCA).

On September 11th Dr. Schaefer received a letter from Governor Heineman regarding Title 172 NAC 12 re licensure of EMS Providers and Title 172. Program staff would like for the Board of Health to hold a conference call to approve the minor changes. The Board of Health is not allowed to conduct business via telephone unless an emergency nature exists.

Ms. Coleman made a motion to receive this committee's report, seconded by Dr. Evans; and all in favor by voice vote.

Credentialing Review (407) Committee – Ms. Coleman, Committee Chair, presented a status report on pending reviews.

- Update on Potential Technical Reviews: Dental anesthesia, manicurists / pedicurists, medical radiographers.
- Music Therapy: at the 4th meeting, the applicant group decided to withdraw their application. Debra Parsow did a wonderful job.
- Recommendation on membership on the Technical Review Committee for Advanced Practice Registered Nurses. Ms. Coleman would like to represent the Board of Health on the Technical Review Committee. The CR Committee proposes the following three professionals to serve, in order of committee preference:

1. Jeffrey N. Baldwin, Pharm D, RP (Omaha)
Professor, UNMC College of Pharmacy
2. Robert Sandstrom, PT, PhD (Omaha)
Professor, Creighton University
3. Marcy Wyrens, RRT (Lincoln)
Director of Pulmonary Services, Bryan LGH Medical Center

The CR Committee also proposes a rural oriented mental health practitioner; a rural Physician Assistant or hospital administrator; and one true public member be appointed to serve, for a total of six members plus the Chair.

Ms. Coleman made a committee motion to approve these recommendations for forwarding to Dr. Schaefer. Voting yes: 14 (Coleman, Evans, Hopp, Jackson, Kester, Michels, Reamer, Robinson, Rounds, Salansky, Tennity, Warner, Westerman and Wills); voting no: 0; not voting: 0. Motion carried.

Dr. Michels made a motion to receive this committee's report; all in favor by voice vote.

Professional Boards Committee. Dr. Tennity, Committee Chair, reported. He thanked the Committee members for conducting interviews on a Sunday, September 18th, in Bellevue.

Committee members conducted eight interviews. Additional interviews will be conducted the morning of November 19, 2012 in Lincoln for seven additional appointments.

Board of Advanced Practice Registered Nurses:

Certified Nurse Midwife - Reappoint Marilyn Lowe, CNM from Omaha to the term 12/2/2012 to 11/30/2017.

Physician member with a Nurse Anesthetist relationship – Reappoint Christopher Price, MD from Norfolk to the term 12/2/2012 to 11/30/2017.

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art:

Public Member - Reappoint Lisa Pfeil from St. Paul to the term 12/1/2012 to 11/30/2017.

Board of Medicine and Surgery:

Physician Member - Reappoint Karen Higgins, MD from Grand Island to the term 12/1/2012 to 11/30/2017.

Board of Psychology:

Psychologist - Reappoint Mark Weilage, PhD from Lincoln to the term 12/1/2012 to 11/30/2017.

Perfusionist Committee:

Perfusionist - Reappoint Ben Greenfield, MPS, CCP from Omaha to the term 12/1/2012 to 11/30/2017.

Dr. Tennity made a committee motion to approve these six incumbent appointments, and offered the option to vote individually on an appointment. Voting yes to approve all proposed appointments: 14 (Coleman, Evans, Hopp, Jackson, Kester, Michels, Reamer, Robinson, Rounds, Salansky, Tennity, Warner, Westerman and Wills); voting no: 0; not voting: 0. Motion carried.

Ms. Coleman made a motion to receive this committee's report, seconded by Dr. Michels; and all in favor by voice vote.

Public Health, Education and Legislation Committee: Dr. Hopp, Committee Chair, presented.

Legislative Luncheon – To be held on January 28, 2013 at the Nebraska Bar Foundation. New senators elected in November will be invited, regardless of committee assignment. Same format.

The PHEL Committee tentatively set the date to screen legislative bills via conference call on January 18. The Legislative calendar has not been set yet, so this could change.

There could be an APRN bill to remove collaborative agreements with physicians, and maybe a bill from the dental hygienists.

Mr. Montgomery received an email request from the Office of Congressman Fortenberry, asking for the opinion of the State Board of Health regarding H.R. 6107 on the Veterans E-Health &

Telemedicine Support Act of 2012. Per a website (<http://www.healthcareitnews.com/news/vets-act-seeks-increase-access-telemedicine-veterans>) description: The Veterans E-Health & Telemedicine Support (VETS) Act of 2012 would enable providers affiliated with the Department of Veterans Affairs to deliver telemedicine services across state lines, eliminating a requirement that the providers be licensed in the same state as their patients. H.R. 6107 follows several recent moves by the federal government to adopt telemedicine as a means of treating service members, veterans and their families. So far this year, the VA has dropped co-payments charged to veterans for telehealth consultations and is setting a goal of providing 200,000 remote consultations by the end of this year (up from 140,000 last year).

Some Medical Boards are concerned that the bill's broad language may yield unintended consequences for the quality and safety of care provided to veterans. According to the Medical Board Association: "By expanding the state licensure exemption to the extent that the provider would not necessarily be licensed in either the jurisdiction where the telemedicine services originate or where the patient is located removes sufficient regulatory oversight and adequate recourse for the patient in the event of harm."

Dr. Hopp made the following motion, seconded by Dr. Evans: Based on the information we have available to us today, the Nebraska State Board of Health has no objection to H.R. 6107. Voting yes: 14 (Coleman, Evans, Hopp, Jackson, Kester, Michels, Reamer, Robinson, Rounds, Salansky, Tenny, Warner, Westerman and Wills); voting no: 0; not voting: 0. Motion carried.

Dr. Hopp reminded members to remember to nominate any worthy organizations for a public recognitions.

Dr. Westerman made a motion to receive this PHEL Committee report; all in favor by voice vote.

UNFINISHED BUSINESS.

- Dr. Montgomery discussed the draft on "Mediation and the Nebraska Board of Health" as initially drafted by Dr. Michels. Dr. Salansky stated that he is pleased to see it, and offered some minor tweaks: clarify what "an alternate" means in terms of being a member of the board. This item will carry over to November with a new draft provided. Please send any comments or recommended language to Mr. Montgomery within the next few weeks.
- Mr. Montgomery addressed the request from the Board of Health for staff to draft a policy on how to recommend on something being inside a scope of practice or not. It would be a "Guideline for Professional Boards in the practice of making recommendations." This stemmed from a discussion on Dry Needling and the Board of Physical Therapy. Our boards in Nebraska are advisory, and they do not have the authority to make a binding recommendation. They may offer a statement, but it is just their opinion, and does not have any legal basis. We don't want to imply that the boards may make legally binding recommendations. Dr. Michels added that when the boards make opinions, they are ultimately just recommendations, and boards need to be careful in making practice rulings that do not have legal status.

NEW BUSINESS.

- Election of Board of Health officers will occur at the next meeting. Let Monica know if you would like to have your name on the ballot.

PUBLIC COMMENTS. None.

PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be November 19, 2012 at the State Office Building in Lincoln.

ADJOURN. There being no further business, the meeting adjourned at 2:35 PM. Minutes taken by Monica Gissler. Draft minutes approved on November 19, 2012

NOTE: If you would like to receive these minutes electronically instead of receiving a hard copy, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-6515, Fax 402/471-0383, or email at: monica.gissler@nebraska.gov.